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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,500	11/21/2001	John L. Wasula	79564/PCW	3356

1333 7590 11/29/2011

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EXAMINER	
DANIELS, ANTHONY J	

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
11/29/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/990,500	WASULA ET AL.	
	Examiner	Art Unit	
	ANTHONY J. DANIELS	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 September 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *21-25,27,28,31 and 32* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *21-25,27,28,31 and 32* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment, filed 9/13/2011, has been entered and made of record. Claims 21-25,27,28,31 and 32 are pending in the application.

Response to Arguments

Applicant's arguments with respect to claim 21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 21-24,27,28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomat et al. (US 2004/0179115) in view of Safai (US # 6,167,469).

As to claim **21**, Tomat et al. teaches a method for transferring customized image files stored in a memory of a digital camera (Figure 3, camera memory "36"; [0095], Lines 10-15) to an external device (Figure 1, computer system "1") having an external device database ([0084], [0102] and [0103]), comprising the steps of:

(a) transferring a plurality of image files from the memory to the external device (Figure 4, "S409");

(b) accessing a set of image utilization fields (Figure 13, "fields" 126-136);

(c) modifying each transferred image file in accordance with the set of image utilization fields ([0129]-[0133]);

(d) storing the modified transferred image file in the external device along with the set of image utilization fields in the external device for subsequent use ([0131]); wherein one of the set of image utilization fields is a resolution field and wherein transferred image files are modified responsive to the resolution field (Figure 13, "133"; [0130], last 4 lines).

The claim differs from in that the transfer is performed using a camera database having at least one customizable profile containing a set of image utilization fields.

In the same field of endeavor, Safai teaches a digital camera which transfers images files from a camera memory to an external device. The transfer is performed in accordance with "image utilization fields" stored on the camera (Figure 4F). In light of the teaching of Safai, it would have been obvious to one of ordinary skill in the art to use the Canon PowerTools

application of Tomat et al. to edit image files with utilization fields stored in the camera (*Note Tomat et al. suggests using the computer system "1" to control the digital camera at least by the delete files "field" "135"*), because an artisan of ordinary skill in the art would recognize that this would provide the user with the ability to transfer images to a device different than that which was used to create the Custom Save and Transfer Options at his/her own convenience.

As to claim **22**, Tomat et al., as modified by Safai, teaches the method according to claim 21 wherein the set of image utilization fields is stored on the external device (see Tomat et al., Figure 13; [0084]).

As to claim **23**, Tomat et al., as modified by Safai, teaches the method according to claim 21 further including the step of editing the customizable profile in the external device (see Tomat et al., Figure 13).

As to claim **24**, Tomat et al., as modified by Safai, teaches the method according to claim 21 wherein the image utilization fields include a deletion field and further including the step of deleting the transferred image files from the memory in accordance with the deletion field after storage of such image in the external device (see Tomat et al., Figure 13, delete files "field" 135).

As to claim **27**, Tomat et al., as modified by Safai, teaches a computer program product comprising a computer storage medium storing a computer program having instructions therein for causing the external device to perform the method of claim 21 (see Tomat et al., [0084]).

As to claim **28**, the limitations of claim 27 can be found in claim 21 (a). Therefore, claim 27 is analyzed and rejected as previously discussed with respect to claim 21.

As to claim **31**, Tomat et al., as modified by Safai, teaches the method of claim 21 wherein the set of utilization fields include a filename suffix or filename prefix appended to the camera filenames (see Tomat et al., Figure 13, "134"; [0131]).

As to claim **32**, Tomat et al., as modified by Safai, teaches the method of claim 21 wherein the external device is a network service provider (see Safai, Col. 6, Lines 5-19).

2. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomat et al. (US 2004/0179115) in view of Safai (US # 6,167,469) and further in view of Roberts et al. (US # 6,496,222).

As to claim **25**, Tomat et al., as modified by Safai, teaches a method according to claim 21. The claim differs from Tomat et al., as modified by Safai, in that it requires the image utilization files include an image editing preference application software field designating a software application stored in the external device and further including the step of applying the designated user preferred application software to the modified transferred captured image.

In the same field of endeavor, Roberts et al. teaches an image utilization field which includes an image editing preference application software field designating a software application stored in the external device and further including the step of applying the designated user preferred application software to the modified transferred captured image (see Figure 14A, "APPLE V1", "IBM V2"; Col. 12, Lines 16-35). In light of the teaching of Roberts et al., it would have been obvious to one of ordinary skill in the art to include an image preference application software field in the image utilization fields of Tomat et al., because an artisan of

ordinary skill in the art would recognize that this would prevent erroneous image transfer due to incompatibility with the software application program (see Roberts et al., Col. 12, Lines 37-42).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J. DANIELS whose telephone number is (571)272-7362. The examiner can normally be reached on 8:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ANTHONY J DANIELS/
Primary Examiner, Art Unit 2622
11/28/2011